

EXHIBIT 10

In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

DEPOSITION OF

LLOYD R. SABERSKI, M.D.

January 12, 2017



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NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
LLOYD R. SABERSKI, M.D. on 01/12/2017

DEPOSITION OF

1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3
4 IN RE NEW ENGLAND COMPOUNDING | MDL NO. 02419
5 PHARMACY, INC. PRODUCTS LIABILITY | DOCKET NO.
6 LITIGATION | 1:13-MD-2419-RWZ
7 THIS DOCUMENT RELATES TO:
8 All Actions
9

10 Deposition of LLOYD R. SABERSKI, M.D.
11 Baltimore, Maryland
12 Thursday, January 12, 2017
13 10:00 a.m.

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20 Reported by: Angela McKinney, Court Reporter
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Pages 62..65

Page 62	Page 64
1 A I don't know how they come up with the 2 ratings, but it sounds appropriate that Yale is on the 3 list. 4 BY MR. KIRBY: 5 Q They are reputable institutions? 6 A Those are hospitals. 7 Q Would it surprise you if all of them were on 8 the customer list that we looked at on 1585-12. 9 MR. COREN: Objection to form. 10 A Doesn't surprise me one bit. They are on a 11 customer list. 12 BY MR. KIRBY: 13 Q Have you ever done business with NECC? 14 A Business? 15 Q Have you ever had any interaction whatsoever 16 with the New England Compounding Center? 17 A Yes. 18 Q Describe that. 19 A A sales rep came to my office in the early 20 2000s suggesting that we purchase compounded steroids 21 from them. His marketing pitch was it was preservative 22 free and it was cheaper. And I engaged him in a	1 something improper? 2 A I really didn't understand the gravity of 3 what I was saying no to. I think if I had to do it all 4 over again, I certainly would have called up the 5 appropriate authority. Clearly they were in the wrong 6 and we at my office knew that it was wrong. 7 Q Can we agree that NECC caused the 8 contamination of the MPA? 9 A Yes. 10 Q We can agree that Dr. Bhamhani didn't cause 11 the contamination? 12 A No. 13 MS. STEINER: Yes, you can agree that, no, 14 she did not? 15 A Yes. 16 BY MR. KIRBY: 17 Q Sorry. I thought we were having a moment, 18 I understood. 19 MS. STEINER: Just clarify that. 20 BY MR. KIRBY: 21 Q So we can agree that Dr. Bhamhani did not 22 cause the contamination, right?
Page 63	Page 65
1 conversation as to why I would want to do that, given 2 there are commercially-available products that are 3 perfectly fine. 4 Q Did you ask him why they were selling -- did 5 you ask him why they were selling preservative-free 6 products as a compounder if there were other 7 commercially-available products available? 8 A I did either directly or indirectly, but he 9 was a salesperson who knew nothing. Essentially my 10 office would have nothing to do with NECC because they 11 were offering a product that was readily available. 12 Q So in your estimation, that was improper to 13 do, correct? 14 A Yes. 15 Q And did you ever report NECC to the 16 Connecticut Board of Pharmacy? 17 A I did not. 18 Q Or the Massachusetts Board of Pharmacy or 19 the FDA? 20 A I did not. 21 Q No one. Okay. Is there a reason why you 22 didn't report them if you thought they were doing	1 A Yes, we can agree. 2 Q Can we agree that NECC had a duty to its 3 customers to provide safe products? 4 A Yes. 5 Q They had a duty to provide -- strike that, 6 That they had a duty to accurately represent 7 the safety and quality of its products to customers and 8 potential customers? 9 A Yes. 10 Q Can we agree that in the summer and fall of 11 2012 that NECC failed in its duty to do all those 12 things that we just discussed? 13 A I believe so. 14 Q Do you believe that NECC violated the law in 15 these cases? 16 MR. COREN: Objection to form. 17 A I'm not a lawyer. However, I believe they 18 did. 19 BY MR. KIRBY: 20 Q I think I know your answer, but just to be 21 clear, when you say you think they did, do you have any 22 statutes or laws or regulations in mind from --



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